

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed June 14, 2007. Upon entry of the amendments in this response, claims 1 – 5, 16 – 18, 21 – 23, 25 – 27, 32, 34, 35, and 38 – 59 remain pending. In particular, Applicant amends claims 1 – 2, 17, 52, and 59. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Rejections Under 35 U.S.C. §103

A. Allowable Over LaJoie in view of Eick

1. Claim 1 is Allowable Over LaJoie in view of Eick

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,850,218 ("LaJoie") in view of U.S. Patent Number 5,812,124 ("Eick"). Applicant respectfully traverses this rejection for at least the reason that LaJoie in view of Eick fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of:

receiving media information corresponding to a plurality of accessible media;

configuring a display order of media titles in the received media information according to the value of a media information parameter;

configuring each index in a continuous sequence of variably sized user-selectable indices having a variable number of media titles, according to a respective first range of values of the media information parameter, each respective first range of values being determined according to a threshold defining a predetermined number of media titles;

configuring the continuous sequence of variably sized user-selectable indices for indexing the media titles in the display order, each user-selectable index corresponding directly to the media titles in the received media information determined by the respective first range of values of the media information parameter corresponding to the user-selectable index, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index;

presenting, to the user, the selectable indices in an interactive media guide display, each of the user selectable indices being configured to provide the media titles according to the threshold defining a predetermined number of media titles;

receiving selection of a first user-selectable index, the selection being a triggering event to provide at least a portion of the media titles corresponding to the first user-selectable index and without presenting an additional index that was not previously presented prior to selection of the first user-selectable index; and

directly responsive to a user selecting a first user-selectable index, providing simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index,

wherein, in response to determining that the number of media titles corresponding to the first user-selectable index **is less than the threshold**, combining the first user-selectable index with another user-selectable index such that the media titles corresponding to the first user-selectable index and the another user-selectable index may be accessed via a combined user-selectable index.

(emphasis added)

Applicant respectfully submits that claim 1, as amended, is allowable over the cited art for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest a “method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of... **configuring each index in a continuous sequence of variably sized user-selectable indices having a variable number of media titles, according to a respective first range of values of the media information parameter**, each respective first range of values being determined according to a threshold defining a predetermined number of media titles... wherein, in response to determining that the number of media titles corresponding to the first user-selectable index **is less than the threshold**, combining the first user-selectable index with another user-selectable index such that the media titles corresponding to the first user-selectable index and the another user-selectable index may be accessed via a combined user-selectable index” as recited in claim 1, as amended. More specifically, *LaJoie* discloses “an indicator 460 that replaces alphabet list 448 to indicate that a letter has been selector” (column 28, line 29 and FIG. 23). Applicant respectfully submits that this is different than claim 1, as amended, for at least the reason that an indicator replacing an alphabet is different than

configuring each index in a continuous sequence of variably sized user-selectable indices having a variable number of media titles. For at least this reason, claim 1, as amended, is allowable.

Additionally, *Eick* fails to overcome the deficiencies of *LaJoie*. More specifically, *Eick* appears to disclose discrete alphanumeric characters that provide links to the corresponding TV titles (see FIGS. 16 – 19). Applicant respectfully submits that these links each include a listing of TV titles that begin with that alphanumeric character. Applicant respectfully submits that this is different than a variably sized user selectable index having variable number of media titles, as recited in claim 1, as amended for at least the reason that each link corresponds to only one letter. For at least this reason, claim 1, as amended, is allowable.

Further, *LaJoie* fails to disclose “in response to determining that the number of media titles corresponding to the first user-selectable index ***is less than the threshold***, combining the first user-selectable index with another user-selectable index” as recited in claim 1, as amended. More specifically, *LaJoie*, as discussed above, discloses “an indicator 460 that replaces alphabet list 448 to indicate that a letter has been selector” (column 28, line 29 and FIG. 23). *LaJoie*, however, fails to disclose this element of claim 1, as amended. For at least this additional reason, claim 1, as amended, is allowable.

Additionally, *Eick* fails to overcome at least this deficiency. More specifically, *Eick* discloses “all alphabetic titles are sorted into groups of five or less. If, for example, Nova was the title of the desired program, the active area would be moved from its initial position... to the group of letters containing the letter N” (column 9, line 60). Applicant respectfully submits that this is different than claim 1, as amended, for at least the reason that *Eick* fails to disclose “in response to determining that the number of media titles corresponding to the first user-selectable index ***is less than the threshold***, combining the first user-selectable index with another user-selectable index.” For at least this reason, claim 1, as amended, is allowable.

2. **Claim 2 is Allowable Over LaJoie in view of Eick**

The Office Action indicates that claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,850,218 ("*LaJoie*") in view of U.S. Patent Number 5,812,124 ("*Eick*"). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest all of the elements of claim 2. More specifically, claim 2 recites:

A method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of:

receiving media information corresponding to a plurality of accessible media;

configuring an interactive media guide with a display order of the media titles in the received media information according to the value of a media information parameter and according to a portion of the received media information corresponding to a user-selected category;

determining a first range of values of the media information parameter corresponding to each index in **a continuous sequence of variably sized user-selectable indices having a variable number of titles**, the first range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective first range of values;

configuring the interactive media guide with the continuous sequence of variably sized user-selectable indices for indexing the media titles in the display order;

presenting to a user an interactive media guide having a plurality of indexing prompts, each of the indexing prompts directly corresponding to one and only one user-selectable index, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index;

receiving a first user input indicating selection of a first user-selectable index, the selection being a triggering event to provide at least a portion of the media titles corresponding to the first user-selectable index and without presenting an additional index that was not previously presented prior to selection of the first user-selectable index; and

responsive to the first user input, providing simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index and the user-selected category.

(emphasis added)

Applicant respectfully submits that claim 2, as amended, is allowable over the cited art for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest a "method for providing media information to a user via an interactive media services client device coupled

to a programmable media services server device, said method comprising steps of... determining a first range of values of the media information parameter corresponding to each index in **a continuous sequence of variably sized user-selectable indicies having a variable number of titles**, the first range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective first range of values” as recited in claim 2, as amended. More specifically, *LaJoie* discloses “an indicator 460 that replaces alphabet list 448 to indicate that a letter has been selector” (column 28, line 29 and FIG. 23). Applicant respectfully submits that this is different than claim 2, as amended, for at least the reason that an indicator replacing an alphabet is different than configuring each index in a continuous sequence of variably sized user-selectable indices having a variable number of media titles. For at least this reason, claim 2, as amended, is allowable.

Additionally, *Eick* fails to overcome the deficiencies of *LaJoie*. More specifically, *Eick* appears to disclose discrete alphanumeric characters that provide links to the corresponding TV titles (see FIGS. 16 – 19). Applicant respectfully submits that these links each include a listing of TV titles that begin with that alphanumeric character. Applicant respectfully submits that this is different than a variably sized user selectable index having variable number of media titles, as recited in claim 2, as amended for at least the reason that each link corresponds to only one letter. For at least this reason, claim 2, as amended, is allowable.

3. **Claim 52 is Allowable Over *LaJoie* in view of *Eick***

The Office Action indicates that claim 52 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,850,218 (“*LaJoie*”) in view of U.S. Patent Number 5,812,124 (“*Eick*”). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest all of the elements of claim 52. More specifically, claim 52 recites:

An interactive media services client device for providing media to a user comprising:

- memory for storing media information received from a server, said media information corresponding to a plurality of respective accessible media; and

- a processor configured to:

- cause a display order of media titles in the received media information according to the value of a media information parameter and according to a portion of the received media information;

- determine a first range of values of the media information parameter corresponding to each index ***in a continuous sequence of variably sized user-selectable indices***, the first range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective first range of values;

- enable an interactive media guide with continuous sequence of variably sized user-selectable indices for indexing the media titles in the display order;

- present to a user the interactive media guide having a plurality of indexing prompts, each of the indexing prompts directly corresponding to one and only one of the respective user-selectable indices, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index;

- receive a first user input identifying a first indexing prompt directly corresponding to a first user-selectable index; and

- directly responsive to the first user input, provide simultaneously in the first display order at least a portion of the media titles corresponding to the first user-selectable index and a user-selected category,

- wherein the at least a portion of the media titles are displayed without presenting an additional index that was not previously presented prior to selection of the first user-selectable index.

(emphasis added)

Applicant respectfully submits that claim 52, as amended, is allowable over the cited art for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest an “interactive media services client device for providing media to a user comprising... a processor configured to... determine a first range of values of the media information parameter corresponding to each index ***in a continuous sequence of variably sized user-selectable indices***, the first range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective first range of values” as recited in claim 52, as amended. More specifically, *LaJoie* discloses “an indicator 460 that replaces alphabet list 448 to indicate that a letter has been selector” (column 28, line

29 and FIG. 23). Applicant respectfully submits that this is different than claim 52, as amended, for at least the reason that an indicator replacing an alphabet is different than configuring each index in a continuous sequence of variably sized user-selectable indices having a variable number of media titles. For at least this reason, claim 52, as amended, is allowable.

Additionally, *Eick* fails to overcome the deficiencies of *LaJoie*. More specifically, *Eick* appears to disclose discrete alphanumeric characters that provide links to the corresponding TV titles (see FIGS. 16 – 19). Applicant respectfully submits that these links each include a listing of TV titles that begin with that alphanumeric character. Applicant respectfully submits that this is different than a variably sized user selectable index having variable number of media titles, as recited in claim 52, as amended for at least the reason that each link corresponds to only one letter. For at least this reason, claim 52, as amended, is allowable.

4. **Claim 59 is Allowable Over *LaJoie* in view of *Eick***

The Office Action indicates that claim 59 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,850,218 (“*LaJoie*”) in view of U.S. Patent Number 5,812,124 (“*Eick*”). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest all of the elements of claim 59. More specifically, claim 59 recites:

A method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of:
receiving media information corresponding to a plurality of accessible media;
configuring a display order of media titles in the received media information according to the value of a media information parameter;
configuring each index in a ***continuous sequence of variably sized user-selectable indices having a variable number of titles*** according to the display order and according to a respective range of values of the media information parameter, each respective range of values being determined according to a threshold defining a predetermined number of media titles;
configuring the continuous sequence of variably sized user-selectable indices for indexing the media titles in the display order, each

user-selectable index directly corresponding to the media titles in the received media information determined by the respective range of values of the media information parameter corresponding to the user-selectable index, such that selection of any of the user-selectable indices automatically provides the media titles corresponding to the selected index;

directly responsive to a user selecting a first user-selectable index, providing simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index,

wherein the at least a portion of the media titles are displayed without presenting an additional index that was not previously presented prior to selection of the first user-selectable index.

(emphasis added)

Applicant respectfully submits that claim 59, as amended, is allowable over the cited art for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest a “method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of... configuring each index in a **continuous sequence of variably sized user-selectable indices having a variable number of titles** according to the display order and according to a respective range of values of the media information parameter, each respective range of values being determined according to a threshold defining a predetermined number of media titles” as recited in claim 59, as amended. More specifically, *LaJoie* discloses “an indicator 460 that replaces alphabet list 448 to indicate that a letter has been selector” (column 28, line 29 and FIG. 23). Applicant respectfully submits that this is different than claim 59, as amended, for at least the reason that an indicator replacing an alphabet is different than configuring each index in a continuous sequence of variably sized user-selectable indices having a variable number of media titles. For at least this reason, claim 59, as amended, is allowable.

Additionally, *Eick* fails to overcome the deficiencies of *LaJoie*. More specifically, *Eick* appears to disclose discrete alphanumeric characters that provide links to the corresponding TV titles (see FIGS. 16 – 19). Applicant respectfully submits that these links each include a listing of TV titles that begin with that alphanumeric character. Applicant respectfully submits that this is different than a variably sized user selectable index having variable number of media titles, as

recited in claim 59, as amended for at least the reason that each link corresponds to only one letter. For at least this reason, claim 59, as amended, is allowable.

5. Claims 3 – 5, 32, 34 – 35, 38 – 45, 53 – 55, and 57 – 58 are Allowable Over *LaJoie* in view of *Eick*

The Office Action indicates that claims 3 – 5, 32, 34 – 35, 38 – 45, 53 – 55, and 57 – 58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,850,218 ("*LaJoie*") in view of U.S. Patent Number 5,812,124 ("*Eick*"). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest all of the elements of claims 3 – 5, 32, 34 – 35, 38 – 45, 53 – 55, and 57 – 58. More specifically, dependent claims 3 – 5, 42, and 44 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claims 32, 34 – 35, 38, 53 – 55, and 57 – 58 are believed to be allowable for at least the reason that they depend from allowable independent claim 52. Further, dependent claims 39 – 41, 42, and 45 are believed to be allowable for at least the reason that they depend from allowable independent claim 2. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

B. Claims 16 and 48 are Allowable Over *LaJoie* in view of *Eick* further in view of *Knudson*

The Office Action indicates that claims 16 and 48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,850,218 ("*LaJoie*") in view of U.S. Patent Number 5,812,124 ("*Eick*") further in view of U.S. Publication Number 2005/02024387 ("*Knudson*"). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* further in view of *Knudson* fails to disclose, teach, or suggest all of the elements of claims 16 and 48. More specifically, dependent claim 16 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 1. Dependent claim 48 is

believed to be allowable for at least the reason that it depends from allowable independent claim 2. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

C. **Claims 17 – 18, 21 – 23, 25 – 27, 46 – 47, 49 – 51, and 56 are Allowable Over LaJoie in view of Eick further in view of Young**

1. **Claim 17 is Allowable Over LaJoie in view of Eick further in view of Young**

The Office Action indicates that claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,850,218 LaJoie et al., ("*LaJoie*") in view of U.S. Patent Number 5,812,124 Eick et al., ("*Eick*") further in view of U.S. Patent Number 5,850,218 Young et al., ("*Young*"). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* further in view of *Young* fails to disclose, teach, or suggest all of the elements of claim 17. More specifically, claim 17 recites:

An interactive media services client device for providing media information to a user comprising:
memory for storing media information received from a server, said media information corresponding to a plurality of respective accessible media; and
a processor configured to:
cause a display order of the media titles in the received media information according to the value of the release year of the media title;
enable a ***continuous sequence of variably sized user-selectable indices having a variable number of titles*** for indexing displayed media titles, each user-selectable index directly corresponding to a range of time and according to a threshold defining a predetermined number of media titles;
determine the media titles in the received media information corresponding to each user-selectable index and a user-selected category;
present, to the user, the selectable indices in an interactive media guide display, each of the user selectable indices being configured to provide the media titles according to the threshold defining a predetermined number of media titles, directly in response to selection of one of the selectable indices; and
directly responsive to a user input, provide simultaneously in the display order at least a portion of the media titles in the received media information corresponding to a first user-selectable index and the user-

selected display, without presenting an additional index that was not previously presented prior to selection of the first user-selectable index.

(emphasis added)

Applicant respectfully submits that claim 17, as amended, is allowable over the cited art for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest an “interactive media services client device for providing media information to a user comprising... processor configured to... enable a **continuous sequence of variably sized user-selectable indices having a variable number of titles** for indexing displayed media titles, each user-selectable index directly corresponding to a range of time and according to a threshold defining a predetermined number of media titles” as recited in claim 17, as amended. More specifically, *LaJoie* discloses “an indicator 460 that replaces alphabet list 448 to indicate that a letter has been selector” (column 28, line 29 and FIG. 23). Applicant respectfully submits that this is different than claim 17, as amended, for at least the reason that an indicator replacing an alphabet is different than configuring each index in a continuous sequence of variably sized user-selectable indices having a variable number of media titles. For at least this reason, claim 17, as amended, is allowable.

Additionally, *Eick* fails to overcome the deficiencies of *LaJoie*. More specifically, *Eick* appears to disclose discrete alphanumeric characters that provide links to the corresponding TV titles (see FIGS. 16 – 19). Applicant respectfully submits that these links each include a listing of TV titles that begin with that alphanumeric character. Applicant respectfully submits that this is different than a variably sized user selectable index having variable number of media titles, as recited in claim 17, as amended for at least the reason that each link corresponds to only one letter. For at least this reason, claim 17, as amended, is allowable.

Further, *Young* fails to overcome the deficiencies of *LaJoie* and *Eick*. More specifically, *Young* discloses “automatic, unattended recording of at least two cable television programs supplied sequentially at different times on different channels of a cable system” (column 4, line 9). Applicant respectfully submits that this is different than claim 17 for at least the reason that

recording a plurality of programs is different than “enable a ***continuous sequence of variably sized user-selectable indices having a variable number of titles*** for indexing displayed media titles” as recited in claim 17, as amended. For at least this reason, claim 17, as amended, is allowable.

2. **Claims 18, 21 – 23, 25 – 27, 46 – 47, 49 – 51, and 56 are Allowable Over *LaJoie* in view of *Eick* further in view of *Young***

The Office Action indicates that claims 18, 21 – 23, 25 – 27, 46 – 47, 49 – 51, and 56 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,850,218 (“*LaJoie*”) in view of U.S. Patent Number 5,812,124 (“*Eick*”) further in view of U.S. Patent Number 5,808,608 (“*Young*”). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* further in view of *Young* fails to disclose, teach, or suggest all of the elements of claims 18, 21 – 23, 25 – 27, 46 – 47, 49 – 51, and 56. More specifically, dependent claims 18, 21 – 23, 25 – 27, 49 – 51, and 56 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 17. Dependent claim 46 is believed to be allowable for at least the reason that it depends from allowable independent claim 1. Further, dependent claim 47 is believed to be allowable for at least the reason that it depends from allowable independent claim 2. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

Anthony F. Bonner Jr. Reg. No. 55,012

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500